THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO.15198 of 2005

28th July 2005

Between:

1. Jwala Narasimha Reddy, S/o.Chinnappa Reddy, Pottamari village, Bathalapalli Mandal, Ananthapur District.

And one other.

…PETITIONERS

And

1. The Joint Collector, Ananthapur, Ananthapur District.

And two others.

…RESPONDENTS

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO.15198 of 2005

ORDER:

This Writ Petition is filed by the petitioner seeking a declaration of the action of the respondents in dispossessing the petitioners from their assigned lands admeasuring Acs.4.37 cents and Acs.4.54 cents situated in Survey Nos.323-2 and 323-6 respectively in Bathalapalli Village and Mandal during the pendency of appeal No.BCW.172/2003 before the Commissioner of Land Administration, Hyderabad without having regard to facts, law and circumstances as illegal and arbitrary.

Aggrieved by the order passed by the Joint Collector, Ananthapur District dated 27.02.2003, after conducting enquiry and giving an opportunity to the petitioners that they have not brought the land into cultivation within the stipulated period of three years from the date of assignment and exercising the powers conferred on the Joint Collector and also based on the report of the Revenue Divisional Officer dated 02.08.2002, an appeal was preferred before the Commissioner of Land Administration. Pending consideration of the appeal, apprehending dispossession

in the hands of the respondents, this Writ Petition is filed.

Considering the facts and circumstances of the case, I deem it appropriate to dispose of the Writ Petition at the admission stage.

The Writ Petition is accordingly disposed of directing the Commissioner of Land Administration/appellate authority to dispose of the appeal in appeal No.BCW.172/2003 in accordance with law, after giving opportunity to the petitioners, within a period of twelve weeks from the date of receipt of a copy of this order. Till such time, the respondents are directed not to dispossess the petitioner from the peaceful possession and enjoyment of the suit schedule property.

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(ELIPE DHARMA RAO, J)

28th July 2005

RRB